

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

| | | |
|--|---|--|
| Applicant's or agent's file reference PS1348 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International Application No. PCT/AU03/00362 | International Filing Date (day/month/year) 26 March 2003 | Priority Date (day/month/year) 26 March 2002 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ E02F 9/28 | | |
| Applicant SHARK ABRASION SYSTEMS PTY LTD et al | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheet(s).

3. This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the report |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input checked="" type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input type="checkbox"/> | Certain observations on the international application |

| | |
|---|---|
| Date of submission of the demand 24 October 2003 | Date of completion of the report 19 December 2003 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer BARRY STEPHENS Telephone No. (02) 6283 2106 |

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages 1-8, 11 as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the claims, pages 9, as originally filed,
pages as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 10, received on 11 December 2003 with the letter of 11 December 2003
- ☒ the drawings, pages 1/8 - 8/8, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

Claims 1-8 are directed to an attachment system for connecting a first member to a second member comprising a clamping member, including a resilient portion, such that the supply of compressive force to the resilient portion acts to restrain movement of the second member relative to the lug. This arrangement is considered to comprise a first "special technical feature".

Claims 9-11 are directed to an attachment system for connecting a first member to a second member comprising a recess in a second member, extending inwardly from a rear surface of the second member, that receives a lug connected to the first member wherein a clamping member is receivable within the recess from the rear surface and arranged to locate adjacent the lug. The recess includes a slot in which a stabilising member is received, the member locating in use between the clamping member and the rear surface. This arrangement is considered to comprise a second "special technical feature".

As the two above-mentioned groups of claims do not share either of the identified special technical features, a technical relationship as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-11 | YES |
| | Claims NONE | NO |
| Inventive step (IS) | Claims 1-11 | YES |
| | Claims NONE | NO |
| Industrial applicability (IA) | Claims 1-11 | YES |
| | Claims NONE | NO |

2. Citations and explanations (Rule 70.7)

None of the citations when considered either singly or in any obvious combination either discloses or suggests the inventions as claimed in the independent claims. Although the closest prior art document WO 02/12642 teaches an attachment system connecting a first member to a second member including a lug connected to the first member, a recess in the second member that receives the lug in use, and a clamping member disposed between the lug and the second member, the clamping member does not include a resilient portion such that the supply of a compressive force to the resilient portion acts to restrain movement of the second member relative to the lug (claim 1), nor is the clamping member receivable within the recess from the rear surface of the second member (claim 9). Accordingly it is considered that the invention as claimed is both novel and inventive in the light of the citations.

8. An attachment portion as claimed in Claim 7, characterised in that the resilient portion is comprised of a plurality of Belleville washers.

9. An attachment system for connecting a first member to a second member, characterised in that the first member has a lug connected thereto and the second

5 member has a recess which receives the lug, the recess extending inwardly from a rear surface of the second member, wherein a clamping member is receivable within the recess from the rear surface, the clamping member being arranged to locate adjacent the lug, and wherein the recess includes a slot in which a stabilizing member is received, the stabilizing member locating, in use, between the clamping member and
10 the rear surface, such that the supply of pressure to the clamping member acts to restrain movement of the second member relative to the lug.

10. An attachment system as claimed in Claim 9, characterised in that the stabilizing member is held within the slot so as to be prevented from moving in a longitudinal direction.

15 11. An attachment system as claimed in Claim 9 or Claim 10, characterised in that the stabilising member includes an aperture through which the pressure can be applied.